

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

NICHOLIS COREY GARNER,

Petitioner,

v.

Case No: 5:21-cv-609-WFJ-PRL

**WARDEN, FCC COLEMAN -
LOW,**

Respondent.

ORDER

Petitioner, an inmate of the Federal Bureau of Prisons, is proceeding *pro se*. Petitioner initiated this case by filing a Petition for Writ of Habeas Corpus titled, “Motion Requesting Judicial Notice Related to Motion Requesting Injunctive and Declaratory Relief” (Doc. 1). It is unclear what type of action Petitioner seeks to bring. For relief, Petitioner seeks, *inter alia*, to be discharged from unlawful custody.

If Plaintiff seeks to challenge a federal court judgment of conviction, he may initiate a habeas corpus case pursuant to 28 U.S.C. § 2241. The Court has an approved form for § 2241 petitions. The Court requires prisoners to use the Court’s form so that it can more efficiently manage prisoner litigation and determine, among other things, whether the claims are related to other cases. Identification of related litigation frequently enables the Court to dispose of a successive case without further expenditure of finite judicial resources.

Alternatively, if Plaintiff intends to file a civil rights complaint, he is advised that the Court has approved the use of a civil rights complaint form for cases filed by prisoners pursuant to 42 U.S.C. § 1983 (against state or local officials), or *Bivens*¹ or federal law (federal officials or entities). See Local Rule 6.04(a) (“A *pro se* person in custody must use the standard form[.]”). The form requires a plaintiff to include detailed information regarding the defendants a plaintiff intends to sue, the plaintiff’s litigation history, a statement of the plaintiff’s claims and facts, and the relief the plaintiff requests. Here, Plaintiff has not filed a complaint, nor has he provided the Court with all of the information required by the civil rights complaint form.

Plaintiff is further advised that he may not correspond with Judges of this Court in letter form. All requests for relief must be in the form of a pleading or a motion and must comply with the Federal Rules of Civil Procedure and the Local Rules of this Court.

Accordingly, it is

ORDERED:

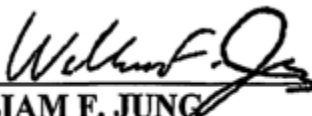
1. This case is **DISMISSED without prejudice.**
2. The **Clerk** shall enter judgment dismissing this case without prejudice, terminate any pending motions, and close the file.
3. The **Clerk** shall send Plaintiff a 2241 Habeas Corpus form and Civil Rights Complaint form, instructions, and an application to proceed *in forma pauperis*

¹*Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971)

(prisoner filings) form. If Plaintiff chooses to refile his claims, he may complete and submit the appropriate forms. Plaintiff should not place this case number on the forms. The Clerk will assign a separate case number if Plaintiff elects to refile his claims. In initiating such a case, Plaintiff should either file a fully completed application to proceed *in forma pauperis* (if he desires to proceed as a pauper) or pay the proper filing fee (if he does not desire to proceed as a pauper).

IT IS SO ORDERED.

DONE AND ORDERED at Tampa, Florida, on December 16, 2021.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

Copies to: *Pro Se* Parties, Counsel of Record